

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOUIS CHEATOM,)	No. C 10-0590 JSW (PR)
)	
Petitioner,)	ORDER TO SHOW CAUSE
)	
vs.)	
)	
C. NOLL, Warden,)	
)	
Respondent.)	
)	
_____)	

INTRODUCTION

Petitioner, a prisoner of the State of California, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging the constitutionality of prison disciplinary proceedings that resulted in his loss of good time credits. Petitioner has paid the filing fee. This order directs Respondent to show cause why the petition should not be granted.

BACKGROUND

According to the petition, Petitioner was convicted of violating prison rules at the California Training Facility in Soledad, California, and lost 30 days of good time credits. Petitioner challenged this disciplinary finding in unsuccessful habeas petitions filed in all three levels of the California courts. Petitioner filed the instant federal habeas petition in this Court on February 10, 2010.

DISCUSSION

I Standard of Review

This court may entertain a petition for a writ of habeas corpus “in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a).

It shall “award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” *Id.* § 2243.

II Legal Claims

Petitioner raises the following claim for relief in the petition: he did not receive all of the guarantees of due process in the course of the disciplinary proceedings. Liberally construed, it does not appear from the face of the petition that Petitioner is not entitled to relief on this claim. Accordingly, Respondent is ordered to respond to the petition as set forth below.

CONCLUSION

For the foregoing reasons and for good cause shown,

1. The Clerk shall serve by certified mail a copy of this order and the petition, and all attachments thereto, on Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this order on Petitioner.

2. Respondent shall file with the Court and serve on Petitioner, within **ninety (60)** days of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the state trial record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the Court and serving it on

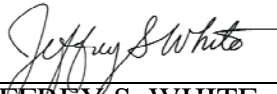
1 Respondent within **thirty (30)** days of the date the answer is filed.

2 3. Respondent may file a motion to dismiss on procedural grounds in lieu of an
3 answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
4 Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court
5 and serve on Respondent an opposition or statement of non-opposition within **thirty (30)**
6 days of the date the motion is filed, and Respondent shall file with the Court and serve on
7 Petitioner a reply within **fifteen (15)** days of the date any opposition is filed.

8 4. It is Petitioner's responsibility to prosecute this case. Petitioner must keep
9 the Court informed of any change of address by filing a separate paper captioned "Notice
10 of Change of Address." He must comply with the Court's orders in a timely fashion.
11 Failure to do so may result in the dismissal of this action for failure to prosecute pursuant
12 to Federal Rule of Civil Procedure 41(b).

13 IT IS SO ORDERED.

14 DATED: November 12, 2010

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16 JEFFREY S. WHITE
17 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LOUIS CHEATOM,

Plaintiff,

v.

C. NOLL et al,

Defendant.

Case Number: CV10-00590 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 12, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Louis Cheatom H-17581
H-17581
CTFC ED-99L
PO Box 689
Soledad, CA 93960

Dated: November 12, 2010



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk